

CELIA M. RUIZ
JANICE L. SPEROW
ALISON C. NEUFELD
MARION L. McWILLIAMS
NICHOLAS T. CALDERON
DAVID E. LYON
LYNDON Y. CHEE
P. BOBBY SHUKLA
OKHEE SHIM
DIANNA JOU
OLUWASEUN AJAYI
MATTHEW M. NAKANO - LAW CLERK
MARIA DELGADO - LAW CLERK

RUIZ & SPEROW, LLP

WATERGATE TOWER III
2000 POWELL STREET, SUITE 1655
EMERYVILLE, CA 94608
(510) 594-7980
FAX (510) 594-7988
<http://www.ruizlaw.com>
E-MAIL: RUIZLAW@RUIZLAW.COM

4305 BEVERLY DRIVE
LA MESA, CA 91941-7818
(619) 741-7593
FAX (619) 741-7594

OUR FILE NUMBER:
9194

OF COUNSEL:
C. MATTHEW DIDALEUSKY

March 6, 2008

Via U.S. Mail & E-Mail

Hon. William H. Alsup
United States District Court for the Northern District of California
450 Golden Gate Avenue
San Francisco, California 94110

*Re: San Rafael City Schools v. Office of Administrative Hearings, C07-4702 WHA
and T.M. v. San Rafael City Schools, C07-5751 WHA*

Dear Judge Alsup:

I write on behalf of myself as well as my client San Rafael City Schools ("the District") to acknowledge this Court's Request for Next Time issued this morning regarding the scheduled hearing on cross motions for summary judgment. The District and its counsel will comply with the Court's request.

We appreciate the Court's strenuous effort in addressing the cross-motions for summary judgment. We also regret that we will not have the benefit of reviewing the Court's consideration of the issues on this appeal, both for this matter, as well as to inform our decision-making in the future. We are not aware of any mechanism to allow such consideration, but if it were possible, we would welcome it.

The Court granted the District's motion last fall for an order returning this action to the ADR track, after it was removed from ADR pursuant to a standard order issued by an administrative department of the Court. In that regard, the District wonders if appeals under the Individuals with Disabilities Education Act ("IDEA") might not be exempted from the standard scheduling order for administrative review actions, which among other things, removes these actions from automatic ADR referral.¹ This is based upon the District's belief and experience that IDEA appeals often benefit from prompt referral to the Court's excellent ADR process, even where the expedited briefing/resolution schedule generally applicable to review of administrative decisions is maintained.

Counsel for the District did appear this morning at the courtroom at approximately 7:50 a.m., and

¹In addition, the standard scheduling order recites the typical standard of review for administrative decisions which is not applicable to appeals under the IDEA.

Hon. William J. Alsup

March 6, 2008

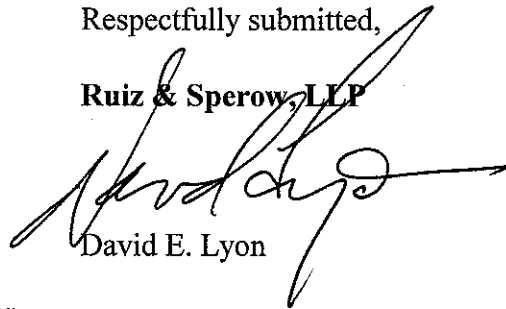
Page 2

checked in with the Court's clerk. The clerk was able to determine at that time that the matter had been dismissed, and explained that appearance by the parties was not expected. Counsel regrets he did not stay to formally appear, and will do so if similar circumstances arise in the future.

Again, the District and its counsel thank the Court for its consideration of this matter, and regret they were not able to reach resolution earlier.

Respectfully submitted,

Ruiz & Sperow, LLP

A handwritten signature in black ink, appearing to read "David Lyon", is written over the printed name and firm name.

David E. Lyon

cc: Margaret Broussard, Esq. (via email)